

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Kevin Lindke,

Plaintiff,

v.

Case No. 20-12857

John D. Tomlinson,

Defendant.

Sean F. Cox
United States District Court Judge

/

ORDER REGARDING
RECENTLY FILED MOTION TO DISMISS

Defendant John D. Tomlinson recently filed a Motion to Dismiss. (Docket Entry No. 3).

Without expressing any view regarding the merits of the Motion to Dismiss, the Court shall afford Plaintiff the opportunity to cure the purported deficiencies by filing an amended complaint. The Court hereby **ORDERS** that any amended complaint must be filed within twenty one days of today's date.

Accordingly, Plaintiff is presented with a choice of how to proceed, given that a Motion to Dismiss has been filed. Within twenty one days of today's date, Plaintiff may either: 1) file an amended complaint, in which case this Court will deny without prejudice the currently pending Motion to Dismiss as moot; OR 2) file a response to the pending Motion to Dismiss, and the Court will decide the motion based upon the existing complaint.¹

IT IS SO ORDERED.

¹If Plaintiff elects not to file an amended complaint and the Court rules on the pending motion, any dismissal may be with prejudice.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: November 17, 2020